



**PERMANENT MISSION
OF THE PRINCIPALITY OF LIECHTENSTEIN
TO THE UNITED NATIONS
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CHECK AGAINST DELIVERY

GENERAL ASSEMBLY PLENARY (INFORMAL MEETING)

**BRIEFING BY THE CHAIR OF THE INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE
SITUATION OF HUMAN RIGHTS IN THE SYRIAN ARAB REPUBLIC**

STATEMENT BY H.E. AMBASSADOR CHRISTIAN WENAWESER

PERMANENT REPRESENTATIVE OF THE PRINCIPALITY OF LIECHTENSTEIN TO THE UNITED NATIONS

Mr. President,

We welcome the briefing by the Independent International Commission of Inquiry on the Syrian Arab Republic, pursuant to the General Assembly resolution adopted on 15 May.

The findings of the Commission are shocking – both in its written reports and in its oral presentation today. Given the lack of access which has hindered the Commission’s work, we must conclude that the reality on the ground is even more grim than the picture the Commission is able to offer – with atrocious crimes committed by both sides. We call upon all sides of the Syrian conflict to comply with their obligations under international humanitarian law and to neither to commit nor tolerate the perpetration of crimes against humanity or war crimes.

The duration of the conflict only intensifies the urgency for the international community to act. Indeed, the deteriorating situation on the ground and the complete absence of the rule of law in the country, as outlined in the last report of the Commission, shows that immediate action is now more necessary than ever.

There has rarely been a situation in the recent past where the most serious crimes under international law have been committed at this scale and for such a long time without any response from the international community, except for some half-hearted calls for accountability. This puts all of us to shame – even more so because this is not a situation of a real or perceived conflict between peace and justice: The Security Council has clearly failed on both fronts – and so have all of us on whose behalf the Council carries out its work.

Given the obvious unwillingness and perhaps inability of the national judicial system in Syria to investigate and prosecute the crimes committed, Liechtenstein has joined a total of 63 States that have called upon the Security Council to refer the situation in Syria to the International Criminal Court. The relevant letter was received by the Council in January - it has never been discussed in a formal meeting, as far as we know, let alone in an open format as it should be, given the strong interest that the membership has shown in the issue. We would like to hear from those in particular who do not favor a referral to the Court and to learn which avenues they prefer to ensure accountability. If there is continued inaction on the part of the Council, the General Assembly should consider making a formal recommendation to the Council to make a referral.

While this request remains unanswered and as there is, realistically, little hope of such a referral in the near future, we must nevertheless address the dimension of accountability. Primary responsibility to ensure accountability remains with the Syrian Government itself – which however remains either unwilling or unable to ensure accountability. In fact, the detailed statement of our colleague from the Syrian Arab Republic has not made any reference to accountability nor to efforts of his Government to punish the perpetrators of these crimes. If there was to be a genuine commitment to accountability, the Rome Statute offers every State that is not party to the Statute to submit itself to the jurisdiction of the Court in accordance with art. 12(3). We were gratified to learn that the opposition groups that met with the Council last week in an Arria formula meeting did show such a commitment to accountability and in fact

avored a referral of the situation by the Security Council to the Court – a declaration in accordance with Article 12(3) would therefore be the logical right next step, sending a strong signal illustrating the commitment to the rule of law and accountability.

Mr. President

In conclusion, as you offered the opportunity to ask questions and as we assume that the Commission will take the floor again, we would like to ask Mr. Pinheiro which justice mechanisms the Commission favors in order to ensure accountability for the crimes committed in Syria.

I thank you.